

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**CEDRIC ANTHONY, on behalf of
himself and others similarly situated,**

Plaintiffs,

v.

Case No.:4:14-cv-01787

**SOUTHERN UNITED NEIGHBORHOODS
and LOCAL 100 UNITED LABOR UNIONS**

Defendants

**JOINT DISCOVERY/ CASE MANAGEMENT PLAN UNDER RULE 26(f) FEDERAL
RULES OF CIVIL PROCEDURE**

1. State when the parties conferred as required by Rule 26(f), and identify the counsel who conferred.

RESPONSE: Plaintiff's counsel, Charles Scalise and Defendants' counsel, Doug Young met and/or conferred multiple times during the period of September 28, 2014 to October 8, 2014.

2. List the cases related to this one that are pending in any state or federal court with the case number and court.

RESPONSE: None

3. Briefly describe what the case is about.

RESPONSE: This case is about claims under FLSA for unpaid overtime.

4. Specify the allegation of federal jurisdiction.

RESPONSE: Federal question jurisdiction is alleged pursuant to the Fair Labor Standards Act.

5. Name the parties who disagree and the reasons.

RESPONSE: None.

6. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.

RESPONSE: No other parties should be included, except to the extent one or more FLSA opt-in classes is approved and any person(s) consent to join as plaintiffs.

7. List anticipated interventions.

RESPONSE: None.

8. Describe class-action issues.

RESPONSE: The issues are anticipated to be whether Defendants are joint employers and whether employees of each Defendants are similarly situated to employees of the other Defendant.

9. State whether each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.

RESPONSE: The parties have agreed to postpone initial disclosures to November 15, 2014, as the parties are actively engaged in settlement discussions and anticipate that settlement is imminent.

10. Describe the proposed agreed discovery plan, including:

- A. Responses to all the matters raised in Rule 26(f).
- B. When and to whom the plaintiff anticipates it may send interrogatories.
- C. When and to whom the defendant anticipates it may send interrogatories.
- D. Of whom and by when the plaintiff anticipates taking oral depositions.
- E. Of whom and by when the defendant anticipates taking oral depositions.
- F. When the plaintiff (or the party with the burden of proof on an issue) will be able to designate experts and provide the reports required by Rule 26(a)(2)(B), and when the opposing party will be able to designate responsive experts and provide their reports.
- G. List expert depositions the plaintiff (or the party with the burden of proof on an issue) anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).
- H. List expert depositions the opposing party anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).

RESPONSE:

- A. Responses to all the matters raised in Rule 26(f) will be exchanged on November 15, 2014.
- B. The Plaintiff anticipates sending interrogatories to each Defendant by December 15, 2014.
- C. The Defendants anticipates sending interrogatories to each Plaintiff by December 15, 2014.
- D. Plaintiff anticipates taking the oral deposition of each Defendant before March 1, 2015.
- E. Defendant anticipates taking the oral deposition of each Plaintiff before April 1, 2015.
- F. None.
- G. None.
- H. None.

11. If the parties are not agreed on a part of the discovery plan, describe the separate views and proposals of each party.

RESPONSE: None.

12. Specify the discovery beyond initial disclosures that has been undertaken to date.

RESPONSE: None, other than informal disclosures.

13. State the date the planned discovery can be reasonably completed.

RESPONSE: The planned discovery can be completed by May 1, 2015.

14. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in your Rule 26(f) meeting.

RESPONSE: The parties anticipate finalizing settlement in the next ten (10) days.

15. Describe what each party has done or agreed to do to bring about a prompt resolution.

RESPONSE: The terms of a final Settlement Agreement are currently being drafted, which includes substantive terms already agreed by the parties.

16. From the attorneys' discussion with the client, state the alternative dispute resolution techniques that are reasonably suitable, and state when such a technique may be effectively used in this case.

RESPONSE: None are anticipated to be necessary.

17. Magistrate judges may now hear jury and non-jury trials. Indicate the parties' joint position on a trial before a magistrate judge.

RESPONSE: The parties agree to a trial before a magistrate.

18. State whether a jury demand has been made and if it was on time.

RESPONSE: A jury demand has been made by the Plaintiff in his original complaint.

19. Specify the number of hours it will take to present the evidence in this case.

RESPONSE: It will take seven (7) hours to present the evidence in this case.

20. List pending motions that could be ruled on at the initial pretrial and scheduling conference.

RESPONSE: None.

21. List other motions pending.

RESPONSE: None.

22. Indicate other matters peculiar to this case, including discovery, that deserve the special attention of the court at the conference.

RESPONSE: None.

23. Certify that all parties have filed Disclosure of Interested Parties as directed in the Order for Conference and Disclosure of Interested Parties, listing the date of filing for original and any amendments.

RESPONSE: All parties certify that they have filed Disclosure of Interested Parties.

24. List the names, bar numbers, addresses and telephone numbers of all counsel.

RESPONSE:

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2110419.1

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/s/ Charles L. Scalise
Charles L. Scalise
Counsel for Plaintiff

10/10/14
Date

/s/ Doug Young
Doug Young
Counsel for Defendants

10/10/14
Date

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2014, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Charles L. Scalise
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/s/ Doug Young